

Message Text

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ACTION EB-11

INFO OCT-01 ISO-00 OMB-01 TAR-02 SPC-03 AGR-20 AID-20

CIAE-00 COME-00 INR-10 IO-14 LAB-06 NSAE-00 OIC-04

RSC-01 SIL-01 STR-08 TRSE-00 CIEP-02 CEA-02 DODE-00

FMC-04 CG-00 COA-02 DLOS-06 DOTE-00 L-03 H-03 PM-07

NSC-10 PA-04 PRS-01 SS-20 USIA-15 ACDA-19 AF-10

ARA-16 EA-11 EUR-25 NEA-10 FRB-02 OPIC-12 DRC-01 /287 W

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R 191415Z NOV 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 2626

INFO AMEMBASSY ATHENS

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

AMEMBASSY WELLINGTON

AMCONSUL HAMBURG

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LONDON PASS DEP. ASST. SECY. WALDMANN

E.O. 11652: GDS

TAGS: ETRN, UN, UNCTAD

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SUBJECT: SHIPPING: UN CONFERENCE ON LINER CONFERENCE

CODE - CARGO-SHARING

REF: GENEVA 6064 (NOTAL)

BEGIN SUMMARY: GROUP B COUNTRIES (WESTERN DEVELOPED COUNTRIES, INCLUDING US) SET FORTH THEIR BASIC POSITIONS ON CODE IN GROUP B MEETINGS NOV. 15-16. THESE EXPOSITIONS CONCENTRATED ON ISSUE OF SHARES OF TRADE (I.E. LDC PROPOSAL FOR 40-40-20 FORMULA FOR CARGO-SHARING) AND WERE HIGHLIGHTED BY SPECIFIC FRENCH AND NORWEGIAN PROPOSALS FOR HANDLING ISSUE. WHILE MOST GROUP B COUNTRIES OPPOSE INCLUSION OF SHARES OF TRADE PROVISION IN CODE AND ALL OPPOSE 40-40-20 FORMULA, FRENCH AND NORWEGIAN DELS EXPLAINED THEIR PROPOSALS AS POSSIBLE FALBACK POSITIONS. ALTHOUGH BOTH PROPOSALS INTENDED AS CONCESSION TO LDC'S, THEY ARE RADICALLY DIFFERENT APPROACHES, WITH FRENCH ATTEMPTING TO PRESERVE STAKE OF NATIONAL-FLAG LINES (INCLUDING THOSE OF DEVELOPED COUNTRIES, I.E. FRANCE) AND NORWAY INTENDING TO LIMIT PREFERENCE TO LDC'S AND THUS PRESERVING GREATER ROLE FOR THIRD FLAG CARRIERS. REACTION OF OTHER GROUP B COUNTRIES PORTEND CARGO-SHARING TO BE MOST CONTROVERSIAL ISSUE AT CONFERENCE.
END SUMMARY.

1. FRENCH PROPOSAL. FRENCH REP (LEONARD) TOOK LEAD NOV. 15 IN PRESENTING COUNTRY POSITIONS ON CODE OBVIOUSLY IN ORDER TO GET FRENCH APPROACH TO CARGO-SHARING ISSUE

ON GROUP B TABLE AND TO HEAD OFF CONTRARY APPROACH HINTED AT BY SWEDEN ON OPENING DAY OF CONFERENCE FRENCH PROPOSAL INVOLVES ELABORATE STAGED STRATEGY OF WHICH ESSENTIAL ELEMENT IS THAT GROUP B WOULD AGREE TO FOLLOWING TRADE-OFF: CODE WOULD BE CONVENTION BUT STRICTLY NON-DISCRIMINATORY AND NON-PREFERENTIAL; PREFERENTIAL TREATMENT FOR LDC'S WOULD BE PROVIDED IN SEPARATE "MEMORANDUM" (PROBABLY HAVING ONLY RECOMMENDATORY STATUS) ANNEXED TO CODE; THIS WOULD INCLUDE SPECIAL TREATMENT FOR NATIONAL-FLAG LINES IN CONFERENCE TRADE SHARES,
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INCLUDING LDC RIGHT TO USE CHARTERED VESSELS TO CARRY CERTAIN PERCENTAGE OF THEIR TRADE. IN SUBSEQUENT DISCUSSION, LEONARD EXPLAINED FURTHER 1) THAT IT UNACCEPTABLE TO FRANCE THAT MULTILATERAL CONVENTION INCLUDE PROVISIONS PERMITTING DISCRIMINATION BETWEEN COUNTRIES, I.E. PERMANENT LEGAL PREFERENCES FOR LDC'S AND 2) THAT MEMORANDUM WOULD ALSO DISTINGUISH BETWEEN LEVELS OF MARITIME DEVELOPMENT--THEREBY PRECLUDING PREFERENTIAL TREATMENT FOR FLAGS OF CONVENIENCE COUNTRIES (E.G. BRAZIL, INDIA).

2. NORWEGIAN PROPOSAL. REED OF NORWAY PREPARED STATEMENT ON ALTERNATIVE APPROACH ON LDC PREFERENCES OVERNIGHT AND LED OFF SPEAKERS NOV. 16. IT CONTEMPLATES PREFERENTIAL TREATMENT FOR LDC'S BY ESTABLISHING RIGHT IN CODE FOR THEM

TO CARRY CERTAIN PORTION OF THEIR TRADE, AS FORM OF AID; BALANCE OF TRADE WOULD BE OPEN TO COMPETITION BY ALL SHIPPING LINES, REGARDLESS OF NATIONALITY. PRO-VISION ON LDC RIGHT WOULD HAVE CERTAIN BUILT-IN LIMITATIONS, E.G. RE PERCENTAGE OF SHARE, LISTING OF BENEFICIARY COUNTRIES, LIMITED DURATION, PERIODIC REVIEW OF NEED OF BENEFICIARY LDC'S, ETC. REED MADE CLEAR NORWAY COULD NOT ACCEPT FRENCH PROPOSAL TO EXTENT THAT LATTER WOULD PERMIT PREFERENTIAL TREATMENT FOR SHIPPING LINES OF SOME DEVELOPED COUNTRIES AS WELL AS OF LDC'S, AND AFTER SUBSEQUENT EXCHANGES CRITICIZED FRENCH PROPOSAL AS PAVING WAY FOR BILATERAL SHIPPING ARRANGEMENTS. HE FRANKLY DESCRIBED AS MAJOR THREAT TO NORWEGIAN SHIPPING INTEREST POSSIBILITY THAT BILATERAL PATTERN COULD SPREAD BEYOND LINER CONFERENCE CARGOES TO OTHER TYPES(I.E. BULK).

3. GROUP B REACTIONS. OTHER GROUP B COUNTRY REACTIONS WERE INCLUDED IN STATEMENTS ON THEIR RESPECTIVE POSITIONS ON CODE AND THEREFORE WERE SOMETIMES SUBMERGED. NEARLY ALL SPEAKERS EMPHASIZED STRICT NEED FOR NON-DISCRIMINATORY CODE, BUT NUMBER THEN CONTRADICTED THEMSELVES BY ADDING THAT THEY COULD AS FALL-BACK POSITION ACCEPT SOME PREFERENTIAL TREATMENT FOR LDC'S, THOUGH IT SELDOM CLEAR IF THIS WAS INTENDED IN AREA OF SHARES OF TRADE.

4. SPECIFICALLY ON FRENCH PROPOSAL, REACTIONS WERE CONFIDENTIAL

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MIXED. TACTICALLY SEVERAL COUNTRIES THOUGHT IT WAS NON-STARTER. HOWEVER, SEVERAL COUNTRIES (FRG, NETHERLANDS, BELGIUM, ITALY, SPAIN) APPEARED RECEPTIVE, ALTHOUGH QUALIFYING THEIR POSITION. FRG WAS MOST EXPLICIT IN ITS SUPPORT. NORWAY, GREECE, FINLAND, CANADA AND JAPAN APPEARED OPPOSED OR SKEPTICAL, FOR DIFFERING REASONS, ALTHOUGH JAPAN LEFT OPEN POSSIBILITY OF MORE FAVORABLE ATTITUDE DEPENDING ON SUBSEQUENT DEVELOPMENTS. SWEDISH REACTION WAS MIXED, DISPLAYING INTEREST IN TWO-DOCUMENT APPROACH BUT HOLDING OUT POSSIBILITY ALSO OF SUPPORTING NORWEGIAN APPROACH (WHICH IN FACT ORIGINALLY WAS SWEDISH IDEA). DENMARK AND UK WERE NON-COMMITTAL, ASKING FOR FURTHER DETAILS, AND AUSTRALIA AND NZ DID NOT SPECIFICALLY MENTION PROPOSAL. HOWEVER, LATTER TWO COUNTRIES AND CANADA ALL EXPRESSED SUPPORT FOR NATURAL RIGHT OF NATIONAL-FLAG LINES TO CARRY SOME PART OF THEIR COUNTRY'S TRADE, WHICH IN SUBSTANCE IS CLOSE TO FRENCH POSITION.

5. FEW COUNTRIES COMMENTED DIRECTLY ON NORWEGIAN PROPOSAL. SWEDES COULD SUPPORT IT AS LAST FALL-BACK. JAPAN, UK AND CANADA ALL EXPRESSED DOUBTS ABOUT IT.

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6. WRAP-UP DEBATE. IN RESPONSE TO UK (AND OTHERS) CONCERN THAT NORWEGIAN PROPOSAL WOULD CONSITUTUTE DISCRIMINATORY PREFERENCE, REED REPLIED THAT BILATERALISM (AS IMPLIED IN FRENCH PROPOSAL) WAS FORM OF DISCRIMINA-
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TION AND THAT CONCEPT OF DEVELOPMENT ASSISTANCE NO LONGER HELD LDC PREFERENCES (E.G. IN TRADE FIELD) TO BE DISCRIMINATORY. LEONARD DISCRIBED NORWEGIAN PROPOSAL AS BACKFIRE MAINLY AGAINST ASPECT OF FRENCH APPROACH WHICH WOULD PROTECT INTERESTS OF LESS DEVELOPED MARITIME FLEETS OF SOME GROUP B COUNTRIES. HE SAID ANY

NORWEGIAN CONCERN IN THIS AREA COULD BE ACCOMMODATED IN OECD FORUM. HE ATTEMPTED ALSO TO MINIMIZE SOME OF OBJECTIVES RAISED BY OTHER DELS. FRG REP (BREUER), IN REPLY TO NORWEGIAN CONCERN OVER BILATERALISM, SAID THAT CODE WOULD BE MULTILATERAL INSTRUMENT AND WOULD IN EFFECT REGULARIZE WHAT NOW DONE ON WIDE BASIS. COMMON THREAD RUNNING THROUGH ALL OF INTERVENTIONS WAS CONCERN THAT GROUP B DISUNITY ON TRADE OF SHARES--LDC PREFERENCE ISSUE BE MANIFESTED TO LDC'S AND THEREBY WEAKEN GROUP B NEGOTIATING POSTURE. IT UNDERSTOOD THAT GROUP B APPROACH ON THIS SUBJECT NEEDED FURTHER REFLECTION AND DISCUSSION AND THAT ANY GROUP B OR B-MEMBER INITIATIVES IN NEXT COUPLE OF WEEKS WOULD BE PREMATURE.

7. OTHER MAIN ISSUES. ON MOST OTHER SUBSTANTIVE ISSUES GROUP B COUNTRIES' POSITION AS DESCRIBED AT PARIS OECD/MTC SPECIAL GROUP MEETING IN OCTOBER (REF OECD PARIS 26362). SEVERAL COUNTRIES (GREECE, NEW ZEALAND, AUSTRALIA, ITALY, FINLAND, CANADA) STATED EITHER THAT THEY PREFERRED CODE AS A CONVENTION OR WAS NO REALISTIC ALTERNATIVE WHILE MOST OTHERS (INCLUDING US) STATED THEY PREPARED TO ACCEPT PRINCIPLE OF CONVENTION AT APPROPRIATE TIME. VIEWS ON ROLE OF GOVERNMENT LITTLE CHANGED FROM SPECTRUM DESCRIBED AT PARIS; HARDEST PROBLEMS WILL COME IN PROVISIONS ON CONSULTATION AND IMPLEMENTATION, WHERE SOME GROUP B COUNTRIES STRONGLY RESISTANT TO REAL GOVERNMENT ROLE. NEARLY ALL GROUP B COUNTRIES REMAIN STRONGLY OPPOSED TO INTERVENTION IN COMMERCIAL FREIGHT RATE-SETTING, SOME SO MUCH SO TO BE WILLING TO TRADE OFF LDC CARGO-SHARING PREFERENCE AGAINST INTERVENTION AND ESPECIALLY GOVERNMENTAL INTERVENTION IN FREIGHT RATES.

8. US STATEMENT. US REP (WEBB) MADE FOLLOWING POINTS DURING ABOVE GROUP B DISCUSSIONS: A) US RETAINS OPEN MIND ON FORM OF CODE, AND CAN ACCEPT CONVENTION. B) US SEES CONFIDENTIAL

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VARYING ROLES OF GOVERNMENT IN CODE: NO PROBLEM AS RECIPIENT OF INFORMATION BUT IT SHOULD BE LIMITED IN CONSULTATION PROCEDURES. C) US WISHES ALSO TO SEE FREIGHT RATE MAKING LEFT LARGELY IN COMMERCIAL HANDS (FMC INTERVENTION IN THIS AREA IS VERY LIMITED COMPARED TO LDC PROPOSALS). D) ON PREFERENTIAL TREATMENT FOR LDC'S, US STRONGLY BELIEVES CODE SHOULD BE NON-DISCRIMINATORY BUT AS FALL-BACK CAN ACCEPT NON-PREFERENTIAL REFERENCES TO SPECIAL NEEDS, ETC. OF LDC'S IN PREAMBLE OF CODE. E) ON SHARES OF TRADE US REMAINS SKEPTICAL 1) ABOUT INCLUSION IN ESSENTIALLY-REGULATORY CODE OF MERCHANT MARINE PROMOTIONAL-TYPE MEASURES, AND 2) ABOUT LEGAL AND ECONOMIC UNDERPINNINGS OF MANY TYPES OF CARGO-SHARING ARRANGEMENTS, WHICH NEED TO BE APPROACHED IN MORE COMPREHENSIVE WAY. SUCH APPROACH COULD TAKE INTO

ACCOUNT GROUP B COMMITMENT IN 2ND DEVELOPMENT DECADE
STRATEGY REGARDING LDC MERCHANT MARINES. F) US DEL
SEESSOME MERIT IN FRENCH PROPOSAL, ESP. RE SEPARATING
TRADE-SHARE PROVISIONS OUT OF CODE, BUT QUESTIONED
GENERAL ELEMENTS OF PROPOSAL, NOTABLY DUBIOUS WISDOM OF
TRADING OFF SOME TRADE-SHARE RIGHTS (IN LINER CARGOES)
FOR LDC'S IN ANNEX TO CODE WITHOUT OBTAINING ANY REAL
GUARANTEE AGAINST FURTHER LDC FLAG-DISCRIMINATION
MEASURES IN FIELD OF SHIPPING. G) US DEL CONCERNED
THAT NORWEGIAN PROPOSAL WOULD INTRODUCE OPEN AND LEGAL
DISCRIMINATION IN WORLD LINER SHIPPING. H) US STRONGLY
PREFERS OPEN CONFERENCE SYSTEM ON WORLD-WIDE BASIS.

9. COMMENT: IMMEDIATE BACK-DROP OF GROUP B MEMBERS'
TURNABOUT VIEWS ON CARGO-SHARING IS LATE SEPTEMBER CSG
(CONSULTATIVE SHIPPING GROUP) MINISTERIAL MEETING IN
LONDON AND OTHER CSG DISCUSSIONS. WE UNDERSTAND SOME
CONTINENTAL CSG'S (PROBABLY FRANCE, FRG, NETHERLANDS
AND BELGIUM) HAVE BEEN COORDINATING CLOSELY ON CODE
SUBJECTS. HOWEVER, CHANGE IN VIEWS MAY BE MORE
ACCURATELY TRACED TO LONGER-TERM FRUSTRATIONS OVER LACK
OF SUCCESS OF THEIR LIBERAL SHIPPING POLICIES IN PROTECT-
ING THEIR SHIPPING INTERESTS IN LIGHT OF RECENT WORLD
SHIPPING DEVELOPMENTS. IN CSG EYES THREE ALLEGED
DEVELOPMENTS STAND OUT: 1) CONTINUING LDC FLAG-DISCRIMINA-
TION PRACTICES AND INCREASINGLY BILATERALIST POLICIES; 2)
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INCREASING NUMBER OF AND EXPANSION OF STATE-OWNED LINES,
BOTH IN LDC AND COMMUNIST COUNTRIES; AND 3) EQUIVOCAL US
ATTITUDE ON SHIPPING POLICY, TYPIFIED BY US/USSR BI-
LATERAL MARITIME AGREEMENT AND READY FMC APPROVAL OF
BILATERALIST EQUAL-ACCESS AND POOLING AGREEMENTS IN
US/LATIN AMERICAN TRADES.

10. FRENCH AND NORWEGIAN PROPOSALS BOTH ARE FAIRLY
BLATANT EFFORTS TO PROTECT THEIR RESPECTIVE MARITIME
INTERESTS. FRENCH MERCHANT FLEET AS WELL AS THAT OF
MANY OTHER CONTINENTAL CSG'S (AND US) IS RELATIVELY
SMALL COMPARED TO OCEANBORNE TRADE THESE COUNTRIES
GENERATE. FRENCH FLEET APPARENTLY NOT STRONG COM-
PETITOR VIS-A-VIS OTHER EUROPEANS. THEREFORE ANY TYING
OF TRADE OR CARGO TO NATIONAL-FLAG LINES BOUND TO
IMPROVE STATUS OF MERCHANT FLEETS OF FRANCE AND OTHER
ABOVE COUNTRIES. BY CONTRAST, NORWAY, SWEDEN, GREECE,
ETC. HAVE STRONG THIRD-FLAG CARRIERS. THE NORWEGIANS
(AND SWEDES) RECOGNIZE THAT MANY LDC'S, ESPECIALLY
IN LATIN AMERICAN HAVE ALREADY "SEIZED" A TRADE SHARE
FOR THEIR RESPECTIVE FLEETS, AND THAT IT IS UNLIKELY THIS
CAN BE WHOLLY UNDONE. THE NORWEGIAN PROPOSAL, WHILE
"LEGALIZING" THIS SITUATION, NEVERTHELESS IN LIMITING
THE TRADE-SHARE ALLOCATION IN THE CODE TO THE LDC'S MINIMIZES

THE AREA OF COMPETITION FOR CARGO THAT WOULD BE CLOSED TO
THIRD FLAG (I.E. NORWEGIAN) CARRIERS.

11. HOWEVER, ONE BY-PRODUCT OF CONFERENCE DISCUSSIONS
PAST WEEK IS GREATER AWARENESS OF EXCLUSIVE EFFECTS OF
MANY PURELY PRIVATE POOLS AND ESPECIALLY OF EXISTENCE
OF COMMERCIAL INTER-LINE POOLING AGREEMENTS, E.G. IN
SOUTH AMERICAN-NORTHERN EUROPEAN TRADE, WHICH ARE BASED
ON SHARES BY FLAG. US HAS CONSISTENTLY MAINTAINED IN
UNCTAD THAT EFFECTS ON TRADE AND COMPETITION ARE LITTLE
DIFFERENT WHETHER SHARES ARE REACHED THROUGH COMMERCIAL
POOLS OR THROUGH GOVERNMENT ALLOCATIONS.

12. US DEL SEES FOLLOWING AS SOME OF FACTORS TO CON-
SIDER IN EVALUATING ABOVE-DESCRIBED DEVELOPMENTS.

A) ON CARGO-SHARING IN GENERAL, ESPECIALLY IF
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BILATERALLY BASED, US APPROACH HAS TO TAKE INTO ACCOUNT,
INTER ALIA, 1) NEED FOR GOOD AND COMPETITIVE SHIPPING
SERVICE FOR US TRADE, 2) US ANTI-TRUST ATTITUDES TOWARD
POOLING OR OTHER CARGO-ALLOCATING SCHEMES, 3) GENERAL
US POLICY FAVORING MULTILATERAL BASIS FOR INTERNATIONAL
TRADE AND ECONOMIC RELATIONS, 4) IMPACT ON US SHIPPING
LINES, AND 5) BEARING ON MFN PROVISIONS OF US FCN TREATIES.

B) NORWEGIAN PROPOSAL RUNS COUNTER TO FACTORS LISTED
IN 12 (A) ABOVE.

C) FRENCH PROPOSAL, UNTIL FURTHER DEFINED, MAY HAVE
UNEXPECTED RAMIFICATIONS. IT PROBABLY RUNS AFOUL, WHOLLY
OR IN PART, OF ITEMS 2), 3), 4), AND 5). THE CHARTERED
VESSEL IDEA ESPECIALLY RAISES SOME QUESTION; E.G. IF
LDC'S USED THIRD FLAG (E.G. NORWEGIAN, SWEDISH, GREEK)
VESSELS TO CARRY THEIR CARGO SHARE IN TRADE ROUTES
TO THE US. IT IS NOT CLEAR THAT EITHER US TRADE OR
SHIPPING WOULD BENEFIT. MAINLY, HOWEVER, THE FRENCH
PROPOSAL IS DEFICIENT BECAUSE IT ONLY TACKLES PART OF
THE CARGO-SHARING PROBLEM BUT IN DOING SO COULD REMOVE
THE INTERNATIONAL PRESSURE FOR MORE COMPREHENSIVE
SOLUTIONS. BASSIN

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TAGS: ETRN, UN, UNCTAD
To: STATE INFO ATHENS
BONN
BRUSSELS
CANBERRA
COPENHAGEN
THE HAGUE
LONDON

MADRID
OSLO
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